

Message

From: Jenkins, Brandi [Jenkins.Brandi@epa.gov]
Sent: 9/15/2020 7:11:29 PM
To: bmagill@bloombergindustry.com
CC: region4press [region4press@epa.gov]
Subject: Response to inquiry on 404 Assumption

Bob,

Thanks for reaching out earlier today regarding the next steps in Florida's assumption of their Clean Water Act 404 program. The Clean Water Act provides flexibility for states to do this and EPA feels that states have the best knowledge about their water resources.

On August 20, 2020, EPA Region 4 received a package from the State of Florida requesting to assume administration of a Clean Water Act (CWA) Section 404 program per the provisions of CWA Section 404(g)(1). On September 16, 2020, the EPA will provide notice in the Federal Register that it has received a complete package. The notice: (1) solicits public review and comment on the State program during a 45-day period that ends on October 31, 2020; (2) announces two public hearings that will be held respectively on October 21, and 27, 2020; and (3) solicits public review and comment regarding consultation under Section 106 of the National Historic Preservation Act. The EPA is in the process of working with the applicable government agencies to implement the review process set forth by the Clean Water Act and its implementing regulations. As part of this process, the EPA is consulting under the Endangered Species Act with the U.S. Fish and Wildlife Service. An assumed program must be consistent with and no less stringent than the requirements of the Clean Water Act and regulations. The EPA Regional Administrator has up to 120 days (i.e., until December 17, 2020) to review and determine whether the request for authorization meets all federal requirements.

If you need anything else, please let me know.

Brandi Jenkins, Director

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